



Agenda Date: 9/13/00
Agenda Item: IV-C

STATE OF NEW JERSEY

Board of Public Utilities

*Two Gateway Center
Newark, NJ 07102*

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF NORTHERN)
NEW JERSEY, INC. FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO OPERATE AND MAINTAIN A CABLE)
TELEVISION SYSTEM IN AND FOR THE)
BOROUGH OF HAMPTON, COUNTY OF)
HUNTERDON, STATE OF NEW JERSEY)

RENEWAL **CERTIFICATE OF APPROVAL**

DOCKET NO. CE00050317

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Borough Clerk, Borough of Hampton, New Jersey, by Linda Anastasia, for the Borough.

BY THE BOARD:

On April 18, 1980, the Board granted Washington Cable Company, Inc. ("Washington") a Certificate of Approval in Docket No. 804C-6667, for the construction, operation and maintenance of a cable television system in the Borough of Hampton ("Borough"). On January 17, 1980, the Board approved the transfer of the Certificate from Washington to Futurevision Cable Enterprises, Inc. ("Futurevision"), in Docket No. 791C-6614. On September 1, 1988, in Docket No. CM8605542, the Board approved the transfer of the Certificate from Futurevision to Storer Cable Communications of Northwest New Jersey, Inc. d/b/a Storer Cable Communications ("Storer"). On November 9, 1990, the Board granted Storer a Renewal Certificate of Approval for the Borough in Docket No. CE89080709. On November 30, 1992, in Docket No. CM92080843, the Board approved the petition of Comcast Cablevision (a 50% shareholder of the Certificate) and Storer to transfer all assets to Comcast Cablevision, Inc. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Northern New Jersey, Inc. ("Petitioner"). Although the Petitioner's Certificate expired on April 18, 2000, it is authorized to continue to provide cable service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on July 15, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on March 27, 2000. On April 4, 2000, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On May 4, 2000, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 12 years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Borough shall have the right to review the performance of the Petitioner with regard to the ordinance at any time during the franchise period. Any determination that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance shall occur only after reasonable written notice has been provided to the Petitioner, adequate public hearings have been held and the Petitioner has been granted reasonable opportunity to cure said deficiency within 90 days. Upon issuance of any such findings of non-compliance, the Borough may petition the Board of Public Utilities for appropriate administrative action, including revocation of the franchise.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the office serving this provision is located at 155 Port Murray Road in Port Murray (Mansfield Township).
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount

not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner has asserted that it has completed a rebuild and/or upgrade of plant in the Borough to 550 MHz utilizing a "fiber to the node" design.
11. The Petitioner shall provide service to every residence or business located in the in the public right-of-way at no cost beyond tariffed standard and non-standard installation rates. In all other instances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
12. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner currently has one system wide community access channel for use by subscribers, organizations and entities served by the cable system. The Petitioner maintains a fully equipped operational local production studio for use by the Borough, the Petitioner and other access producers. The Petitioner provides training in the use of the studio, which is a prerequisite for its use.
13. By August 31, 2000, the Petitioner shall provide a one-time capital contribution to the Borough in the amount of \$12,000.00 for PEG access support.
14. The Petitioner shall provide installation and basic service to one outlet, free-of-charge, to each classroom and instructional space in the Borough's elementary school. The Petitioner shall also continue to provide one drop and basic service, free-of-charge, to the municipal building, and to each fire department, library, first aid squad, and public works building that is located in or may be constructed within the Borough.
15. Upon written request of the Borough, the Petitioner shall appear, at least once annually, at a public meeting of the governing body, to discuss matters pertaining to the provision of cable service to the residents of the Borough and other related issues.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on April 18, 2012.

DATED: September 15, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
SECRETARY